

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MELANIE DAVIS,

Plaintiff,

vs.

AK-SAR-BEN VILLAGE, L.L.C.,

Defendant.

**8:18CV101**

**ORDER**

Currently before the court is Defendant's motion for attorney fees and costs in the amount of \$5,792.00. ([Filing No. 107](#)).

Throughout this case, Plaintiff has repeatedly failed to comply with discovery orders. (See [Filing No. 102](#)). In light of Plaintiff's failure to comply, on June 23, 2020, the court granted Defendant's motion for reimbursement of the fees it has incurred in seeking Plaintiff's compliance with this court's discovery directives. ([Id.](#)). The court ordered that Defendant submit to Plaintiff an itemization of its fees by July 23, 2020. Plaintiff was given ten days after receipt of the itemization to respond. ([Id. at CM/ECF p. 11](#)). Defendant provided the itemization as directed but Plaintiff failed to respond. ([Filing No. 107-1 at CM/ECF p. 3](#)).

Defendant then filed the instant motion, asking the court to order Plaintiff to reimburse Defendant in the full amount demanded. Defendant submitted an affidavit which attests to the amount of fees and generally states how much time each attorney spent on various discovery and sanctions motions. ([Filing No. 107-1](#)). Again, Plaintiff did not respond.

The court therefore will grant Defendant's motion for assessment of fees and costs for good cause and as unopposed. Plaintiff is ordered to remit to Defendant the full amount demanded.

Moreover, Plaintiff's failure to respond to the fee application evidences her lack of cooperation with Defendant in preparing a joint stipulation for assessment of fees and her lack of assistance to this court in determining the amount of fees to be assessed. Accordingly, consistent with the court's prior order, (Filing No. 106, at CM/ECF p. 7, Order ¶ 7), the court awards Defendant an additional \$1000 to compensate Defendant for the time and expense of preparing its motion for assessment of fees.

Accordingly, IT IS ORDERED:

- 1) Defendant's Motion ([Filing No. 107](#)) is granted:
  - a. On or before October 5, 2020, Plaintiff shall reimbursement Defendant for its fees and costs, in the total amount of \$6,792.00.
  - b. No later than October 7, 2020, Plaintiff shall file a declaration or other form of sworn testimony indicating her compliance with this order.
  - c. If the court does not receive a notice of compliance by the October 7, 2020 deadline, the court will set this case for an in-court hearing on Plaintiff's civil contempt of court.

Dated this 21st day of September, 2020.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge